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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,981	02/25/2004	James G. Sullivan		6775
31156	7590	07/13/2006		
LAW OFFICE OF ADRIENNE B. NAUMANN 8210 NORTH TRIPP SKOKIE, IL 60076			EXAMINER STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,981

Applicant(s)

SULLIVAN, JAMES G.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-3, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the **Final Office Action** for application number 10/786,981 Emergency Vehicle Support Kit , filed on 2/25/04. Claims 1-21 are pending. Claims 10-15 are withdrawn. This **Final Office Action** is in response to applicant's reply dated 5/12/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Response to Amendment

The affidavit under 37 CFR 1.132 filed 5/12/06 is insufficient to overcome the rejection of claims based upon the new rejection as set forth in this Office action. See Below.

Claim Objections

Claims 1-9 and 16-21 are objected to because of the following informalities:

The status identifier should appear after the claim number.

Correct: Claim 1 (Currently Amended)

Incorrect: (Currently Amended) Claim 1

Also, the phrases "Please amend claim as follows:" are unnecessary and should be removed from the claim list.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6158705 to Cudmore et al.

The patent to Cudmore et al. teaches a cylinder (3) having a continuous longitudinal wall the cylinder having a longitudinal axis, the cylinder having a distal cylinder end and a proximal cylinder end, the cylinder having a cylinder diameter, the cylinder having a cylinder interior, a first piston (4), the piston having a continuous piston longitudinal wall, the first piston having a proximal first piston end and a distal first piston end, the first piston having a first piston diameter which is narrower than the cylinder diameter, the first piston being connected to the distal cylinder end, the first piston having a cylindrical interior, an uppermost distal second piston (4), the uppermost distal second piston having a continuous second longitudinal wall, the second piston having a second proximal second piston end and a second distal second piston end, the second piston having a second piston cylinder interior, the cylinder, the first piston and the second piston being a telescoping device with at least two sets of linearly aligned apertures (each ends of the pistons is a set of apertures), the telescoping device further having attachments (42) which grip a vehicle or building, a vehicle support base plate (8), the vehicle support base plate having an upper base plate surface, a swivel base plate adapter (10), the swivel base plate adapter rotating through an angle of approximately 140 degrees and base plate upper surface having round base plate openings (near 9) whereby, the swivel base plate adapter connects to the proximal cylinder end, and the swivel base plate adapter simultaneously connects to the vehicle

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support base plate, the cylinder attached to the first piston proximal end, the second piston attached to the first piston distal end, the second piston capable of sliding within the first piston interior, the first piston capable of sliding within the cylinder, the telescoping device forming a rigid support for a vehicle or building.

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6158705 to Cudmore et al. as applied to claims 1 and 2 above, and in view of United States Patent No. 5402595 to Tamllos.

Cudmore et al. discloses applicant's basic inventive concept, all the elements which are shown above.

Cudmore et al. does not teach wherein the first position and the cylinder each have a knurled ring at their respective distal ends.

Tamllos teaches a telescoping stand with knurled rings (2) used as a connecting and adjustment device for the stand. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Tamlllos to have used this element in order to secure and adjust the telescoping elements relative to each other.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6158705 to Cudmore et al. and in view of United States Patent No. 6450472 to Cook, Jr.

Cudmore et al. teaches a vehicle support having a telescoping device being manually extended to contact a point upon a downed vehicle or collapsed building the improvement being a swivel base plate adapter (10) reversibly combined within corresponding vehicle support plate, the base plate (8) having a length and a width, an upper base plate surface, first and second opposing elevated base plate walls (9) extending longitudinally along the upper base plate wall surface, the swivel base plate adapter (10) being physically separate and distinct from baseplate and having a swivel channel (see 10 tube) fitting within the two opposing elevated base plate walls and the adapter being able to rotate approximately 140 degrees upon the support base plate upper surface wherein a cylinder (3) attaches to the adapter and rotates around a pin in upper apertures and a proximal cylinder end plug (42).

Cudmore et al. does not teach wherein the pin is a detent bead pin ring or that the pin is specifically metal.

This is Official Notice that it would have been obvious to one of ordinary skill in the art to make the pin of any suitable material, including metal, used for its durability and strength.

Cook, Jr. discloses a rotatable connection (18, 32) in which a detent bead (42) ring pin (40) is used to support and lock the elements together, yet allowing them to rotate with respect to one another. Therefore it would have been obvious to one of

ordinary skill in the art from the teachings of Cudmore et al. to have used a ring bead detent pin in place of the pin, in order to lock the desired elements together while allowing them to rotate respectively.

Response to Arguments

Arguments pertaining to claims 1-3 are moot due to the new grounds for rejection above.

With regards to claims 20 and 21, the applicant has argued that Cudmore et al. does not disclose a rotation of 140 degrees. This is unpersuasive in that it would be inherent in the teaching that the device would rotate up to 180 degrees. The applicant has argued that the base plate adapter is physically distinct from the base plate and that the Cudmore et al. device has a base adapter (10) which isn't. This is unpersuasive in that the rejection above clearly shows a separate part.

The applicant has also argued that the base adapter is not shown with a channel. As shown by the rejection above, the tubular part is the channel. Since the channel is not described in the claim with further details, this limitation is met.

The applicant has argued that the Cook Jr. reference teaches away from the Cudmore et al. reference because it does not have a telescoping tube. This is unpersuasive in that the teaching of Cook Jr. pertains to different types of detent pins and therefore does not have to have the same structure for which the detent pin is

inserted. Both detent pins operate to hold devices together and therefore the permutations of such are obvious renditions of one another.

Allowable Subject Matter

Claims 9 and 16-19 are allowed.

Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claims 4 and 5, the prior art does not show first and second strap apertures.

With regards to claims 6-9, the prior art does not teach wherein the mid-line apertures by which the swivel support base plate adapter attaches to the vehicle support base plate with a straight metal detent pin with a compressible bead in combination with the bottom rounded surface of the adapter contacting the vehicle support base plate.

With regards to claims 16-19, the reason is that the prior art does not teach in combination an emergency vehicle support kit, the kit having a telescoping device, the telescoping device having a lowermost proximal cylinder, a first piston and a second piston, the second piston having an uppermost distal second piston end, a vehicle support base plate, the base plate having a first and a second opposing elevated base plate wall, each the base plate wall having apertures for insertion of a metal détente ring

pin with a compressible bead, an interior wall surface and an exterior wall surface, each the interior wall surface having an opposing perpendicular extending segment, the perpendicular extending segment having one protuberance, an interior indented square segment, the interior indented square segment continuous with and distal to the opposing perpendicular extending segment, (iii) a longitudinal rectangular segment, each the longitudinal rectangular segment being continuous with and distal to the corresponding interior indented square segment, an interior slanted wall segment, the interior slanted wall segments distal to and continuous with the longitudinal rectangular segment, a distal base plate aperture end, the distal base plate aperture end having a distal aperture, the distal base plate aperture end being continuous with and distal to the interior slanted wall segment, each the exterior base plate wall surface having a proximal base plate aperture end, the proximal base plate aperture end having a proximal strap aperture, an extending base plate arm, the extending base plate arm comprising an outermost end, the outermost end having an outermost aperture, the extending base plate being continuous with and distal to the proximal base plate aperture end, an exterior rectangular base plate surface, the exterior rectangular base plate surface having the mid-line aperture, the exterior rectangular base plate surface continuous with and immediately distal to the extending base plate arm, an exterior angled base plate surface, the exterior angled base plate surface slanted toward the interior mid-line of the vehicle support base plate at an angle of approximately 130 degrees, the exterior angled base plate surface continuous with and immediately distal to the exterior rectangular base plate surface, a distal base plate aperture segment, the

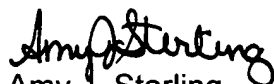
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distal base plate aperture segment comprising the distal base plate aperture, a swivel base plate adapter, and attachments, the attachments connecting to the uppermost distal piston end.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
Primary Examiner